

**Congress of the United States**  
**Washington, DC 20515**

April 23, 2009

The Honorable Thomas Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave SW  
Washington, DC 20250

Dear Secretary Vilsack:

We write in regard to the catastrophic floods that have overwhelmed North Dakota's family ranchers this spring, and we urge your continued assistance and support in addressing this situation.

As you well know, these floods have killed livestock, washed out roads, drowned out and damaged spring calving areas, and eliminated some feed sources. Early estimates indicate that almost 95,000 livestock have been lost, including 91,000 cattle.

We appreciate the quick response by the U.S. Department of Agriculture (USDA) to help address the situation facing our livestock producers. In particular, we appreciate the release of \$750,000 in section 32 emergency feed assistance. We also appreciate the emergency opening of Conservation Reserve Program (CRP) land until April 30 to give inundated North Dakota ranchers dry areas for spring calving. Lastly, we are grateful that you sent Jim Miller, Under Secretary of Agriculture for Farm and Foreign Agricultural Services, to North Dakota to survey the damage. It was reassuring to our constituents that a senior USDA official was on hand to view the situation they face.

As the floodwaters recede, and we have a better assessment of the damage left behind, it is clear that USDA will play an important role in addressing the aftereffects of the floods. We understand you are working to expedite the implementation of the 2008 Farm Bill disaster programs that will provide much needed assistance to our ranchers. We look forward to working with USDA to utilize the tools available to help out North Dakota's ranching community. In particular, we feel the following programs will be instrumental to helping rebuild our battered livestock industry:

1. **Emergency Conservation Program (ECP)** – The next step facing ranchers is the daunting task of rehabilitating livestock structures, rebuilding fence lines, and cleaning up debris. We understand that with North Dakota's \$5 million in ECP requests, there is already a \$35 million unfunded backlog from 15 different states. And this amount could possibly grow to \$40 million.

We want to work with USDA to help secure funding for ECP. It is our understanding that you are currently examining whether \$70 million in ECP funding left over from 2005 Hurricane Katrina relief legislation could be reprogrammed and used to fund the current and expected ECP backlog.

We ask you to support efforts to reprogram this money to support ECP requests from North Dakota and across the nation.

2. **Livestock Indemnity Program (LIP)** – It is estimated that calves account for more than 70,000 of the 90,000 cattle deaths in North Dakota this spring, or almost 80 percent of the estimated cattle losses in North Dakota. For many ranchers, this is a crippling blow to future income potential. That is why it is critically important that as USDA works to craft regulations for this program, payment rates take into account the true market value of a deceased calf, not the spot market value of orphan calves sold at birth.

In particular, the market value of a calf cannot be determined simply by assessing sales data. Sales data on calves fail to take into account a calf's true value as an investment that will fetch a dramatically increased price later in the year. It is imperative that market value determinations take into account future income projections instead of simply analyzing spot market values.

Since many of the livestock deaths were young calves, there is a huge discrepancy between the value of a cow/calf pair vs. an open cow and an orphan calf. That's because together, the cow/calf pair represent value to the operation. Separately, they represent costs. Therefore, the loss of a new calf is more substantial than the simple value of an orphan calf at the sale barn. We want the value represented on the 'day before' to reflect that fact, and believe this interpretation is consistent with the intent of the statutory language in the Farm Bill.

3. **Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish** – As USDA creates rules and regulations for this program, the funding made available for livestock losses should take into account the situation in North Dakota. In particular, the livestock funding under this program should be used to compensate producers for 1) emergency feed costs, 2) increased costs to feed animals due to road and bridge closures, and 3) livestock feed lost to flooding.
4. **Livestock Forage Program** – While this program is not applicable to the current flooding situation, producers in western North Dakota are still reeling from grazing losses they suffered last year. A timely implementation of this program will help address the series of disasters North Dakota has faced last year and this spring.

Again, we appreciate your assistance in this matter. If we or our staff can be of any help in fulfilling these requests, please do not hesitate to contact us. We look forward to your reply.

Sincerely,



KENT CONRAD  
United States Senate



BYRON L. DORGAN  
United States Senate

EARL POMEROY  
Member of Congress

Cc: James W. Miller, Under Secretary for Farm and Foreign Agricultural Services